

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL SHANE HURD,)
)
 Plaintiff,)
 v.) No. 3:09-1136
) JUDGE ECHOLS
 SUMNER COUNTY JAIL, et al.,)
)
 Defendants.)

ORDER

Pending before the Court is the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on March 3, 2010 (Docket Entry No. 23), to which no objections have been filed. The Magistrate Judge recommends that Defendant Southern Health Partners' Motion to Dismiss for failure to exhaust administrative remedies under the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e, (Docket Entry No. 16) should be denied.

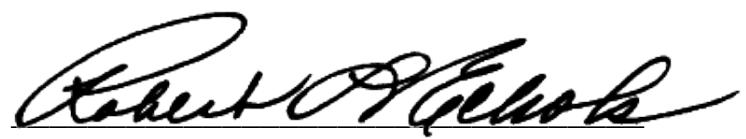
In reviewing an R&R, the Court may accept, reject, or modify the recommended disposition; receive further evidence, or return the matter to the Magistrate Judge with instructions. Fed.R.Civ.P. 72(b)(3). Having carefully reviewed the record in this case, the Court finds that no error of fact or law appears in the R&R. Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 23) is hereby ACCEPTED;

(2) Defendant Southern Health Partners' Motion To Dismiss (Docket Entry No. 16) is hereby DENIED; and

(3) this *pro se* case is returned to the Magistrate Judge for further proceedings under the Order of Reference entered on December 2, 2009 (Docket Entry No. 3), and the Scheduling Order entered March 2, 2010. (Docket Entry No. 20.)

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE